

From: Brian Reed
To: Microsoft ATR
Date: 1/28/02 12:43am
Subject: Microsoft Settlement

Hello,

I write to comment on the proposed Microsoft settlement as a software programmer/consultant for the Windows platform for over 5 years (and for MS-DOS 10 years before that)

In summary I feel the settlement is well intended but falls well short of appropriate action.

I don't suggest or desire radical action like splitting up the company or forcing release of their source code, and I'm not confident either would help the computing consumer anyways.

For me, it's very much about fair marketing and advertising practices. The settlement must be more forward looking. The harm done in the past by MS marketing, advertising, OEM deals, etc methods cannot be undone ... the question is where do we go from here, today. For the last couple years, the DOJ suit has forced them to tread lightly ... that in itself has been halfway helpful, thank you!

MS must be relieved of power to regulate their OEM resellers and competition as they have done in the past. It is the resellers that can best customize systems for clients and move the state of the art of computer use ahead, now that there are many qualified personal & business OS options.

Attention must also be given to MS affiliations. Monopoly power can be abused here especially, for example the advertising of affiliates and 3rd parties embedded in every Windows install I've seen since Win95. Or especially the old MSN 'deal' with new PCs... users committed to 3 years of MSN membership to get a rebate on the PC, only to find out that the MSN ISP usage is a horrible pain in the neck that they've contracted to for the full term. The new MSN deal is that it's free for a limited term (I believe 1 year), but what they don't tell us is that it's a *LIMITED* MSN connection (not the typical Windows OS DialUp!), and that it requires extra, custom MSN software which itself is practically unusable.

Also, I believe the proposed settlement has many loopholes, with many due to insufficient definitions of terms like "API".

Thank you for the opportunity to submit my comments,

- Brian G. Reed
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